



PATENT
Customer No. 22,852
Attorney Docket No. 5495.0001-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Lutz G. GUERTLER et al.) Group Art Unit: 1648
Parent Application No.: 10/829,442)
Filed: April 22, 2004) Examiner: J. Parkin
For: RETROVIRUS FROM THE HIV) Confirmation No.: 6321
GROUP AND ITS USE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed. Either English equivalents or English abstracts of the non-English documents are enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

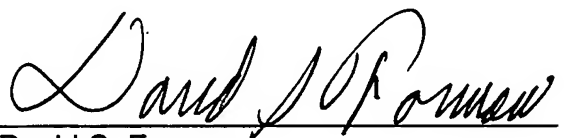
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
David S. Forman
Reg. No. 33,694

Date: October 11, 2006

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

3

Application Number

10/829,442

Filing Date

April 22, 2004

First Named Inventor

Lutz G. GUERTLER

Art Unit

1648

Examiner Name

J. Parkin

Attorney Docket Number

5495.0001-10

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,803,156	02-07-1989	Neurath et al.	
		US- 5,019,510	05-28-1991	Wain-Hobson et al.	
		US- 5,034,511	07-23-1991	Alizon et al.	
		US- 5,141,867	08-25-1992	Ivanoff et al.	
		US- 5,420,030	05-30-1995	Reitz, Jr. et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation or English Equivalent ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		AU 8821172	04-13-1989	Putney et al.		
		DE 3711016	10-08-1987	Crowl et al.		US- 4,925,784
		EP 181150	05-14-1986	Luciw et al.		
		EP 185444	06-25-1986	Chang et al.		
		EP 187041	07-09-1986	Capon et al.		
		EP 199301	10-29-1986	Crowl et al.		
		EP 201716	11-20-1986	Watanabe et al.		
		EP 227169	07-01-1987	Berman et al.		
		EP 255190	02-03-1988	Putney et al.		
		EP 265785	05-04-1988	Cochran et al.		
		EP 272858	06-29-1988	Rusche et al.		
		EP 311228	04-12-1989	Putney et al.		
		EP 327180	08-09-1989	Smith et al.		
		EP 345792	12-13-1989	Longiaru et al.		
		EP 370458	05-30-1990	Devare et al.		
		EP 518443	12-16-1992	Luciw et al.		
		EP 552850	07-28-1993	Chang et al.		
		FR 2677364	12-11-1992	Traincard et al.		English Abstract
		GB 2188639	10-07-1987	Crowl et al.		

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/829,442
				Filing Date	April 22, 2004
				First Named Inventor	Lutz G. GUERTLER
				Art Unit	1648
				Examiner Name	J. Parkin
Sheet	2	of	3	Attorney Docket Number	5495.0001-10

FOREIGN PATENT DOCUMENTS						
		JP1179687	07-17-1989	Kagaku Oyobi Kessei Ryoho		English Abstract
		WO 86/02383	04-24-1986	Montagnier et al.		
		WO 87/02038	04-09-1987	Hu et al.		
		WO 87/07906	12-30-1987	Alizon et al.		
		WO 88/05440	07-28-1988	Alizon et al.		IR 88/0379
		WO 89/09785	10-19-1989	Compans et al.		
		WO 90/02568	03-22-1990	Haigwood		
		WO 90/13630	11-15-1990	Barre-Sinoussi et al.		English Abstract
		WO 92/06990	04-30-1992	Reitz et al.		
		WO 92/16556	10-01-1992	van Wijnendale		
		WO 92/22654	12-23-1992	Smith et al.		
		WO 93/10816	06-10-1993	Sastry et al.		
		WO 93/17705	09-16-1993	Essex et al.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Alignment of GenBank sequences of MvP-5180 and ANT70 viruses. [Reference D7 from opposition of European Patent No. 0 591 914]	
		Alignment of sequence in Table 3 to the corresponding sequence in ANT70 virus. [Reference D24 from opposition of European Patent No. 0 591 914]	
		Alignment of the complete nucleotide sequence of MvP-5180 to the corresponding sequence of the ANT70 virus. [Reference D25 from opposition of European Patent No. 0 591 914.]	
		Alizon, M. et al., "Genetic Variability of the AIDS Virus: Nucleotide Sequence Analysis of Two Isolates from African Patients." <i>Cell</i> 46:63-74 (1986).	
		Anand, R. et al., "Biological and Molecular Characterization of Human Immunodeficiency Virus (HIV-1 _{BR}) from the Brain of a Patient with Progressive Dementia." <i>Virol.</i> 168:79-89 (1989).	
		Andeweg, A.C. et al., "Genetic and Functional Analysis of a Set of HIV-1 Envelope Genes Obtained from Biological Clones with Varying Syncytium-Inducing Capacities." <i>AIDS Res. Hum. Retroviruses</i> 8:1803-13 (1992).	
		Cheng-Mayer, C. et al., "Viral Determinants of Human Immunodeficiency Virus Type 1 T-Cell or Macrophage Tropism, Cytopathogenicity, and CD4 Antigen Modulation." <i>J. Virol.</i> 64:4390-98 (1990).	

Examiner Signature		Date Considered	
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			Art Unit	1648	
			Examiner Name	J. Parkin	
Sheet	3	of	3	Attorney Docket Number	5495.0001-10

NON PATENT LITERATURE DOCUMENTS			
		Groenink, M. et al., "Phenotype-Associated <i>Env</i> Gene Variation Among Eight Related Human Immunodeficiency Virus Type 1 Clones: Evidence for in Vivo Recombination and Determinants of Cytotropism Outside the V3 Domain." <i>J. Virol.</i> 66:6175-80 (1992).	
		Li, Y. et al., "Complete Nucleotide Sequence, Genome Organization, and Biological Properties of Human Immunodeficiency Virus Type 1 in Vivo: Evidence for Limited Defectiveness and Complementation." <i>J. Virol.</i> 66:6587-6600 (1992).	
		NCBI Accession No. L20571, amino acid and nucleotide sequences of MvP-5180 HIV isolate. [Reference D10 from opposition of European Patent No. 0 591 914]	
		NCBI Accession No. L20587, amino acid and nucleotide sequences of ANT70 HIV isolate. [Reference D9 from opposition of European Patent No. 0 591 914]	
		Schmidtmayerova, H. et al., "Characterization of HIV1-PAR, a Macrophage-Tropic Strain: Cell Tropism, Virus/Cell Entry and Nucleotide Sequence of the Envelope Glycoprotein." <i>Res. Virol.</i> 144:21-26 (1993).	
		Sequence comparison of ANT70 and MvP-5180 viruses. [Reference D30 from opposition of European Patent No. 0 591 914]	
		Sequence comparison of ANT70 and MvP-5180 viruses. [Reference D32 from opposition of European Patent No. 0 591 914]	
		Sequence comparison of MvP-5180 virus nucleotide sequence with other nucleotide sequences. [Reference D34 from opposition of European Patent No. 0 591 914]	
		Srinivasan, A. et al., "Molecular Characterization of HIV-1 Isolated from a Serum Collected in 1976: Nucleotide Sequence Comparison to Recent Isolates and Generation of Hybrid HIV." <i>AIDS Res. Hum. Retroviruses</i> 5:121-29 (1989).	
		Srinivasan, A. et al., "Molecular Characterization of Human Immunodeficiency Virus from Zaire: Nucleotide Sequence Analysis Identifies Conserved and Variable Domains in the Envelope Gene." <i>Gene</i> 52:71-82 (1987).	

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